

REMARKS

The Applicants respectfully request further examination and consideration in view of the arguments set forth fully below. Claims 1-43 were previously pending in this application. Within the Office Action, Claims 32-35 have been allowed, Claims 1-31, 36 and 38-42 have been rejected and Claims 37 and 43 have been objected to. By the above amendment Claims 7 and 8 have been amended. Accordingly, Claims 1-43 are currently pending.

Rejections Under 35 U.S.C. § 112

Within the Office Action, Claims 7 and 8 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. By the above amendments, Claims 7 and 8 have been amended to change “The plastic storage bin” to “The storage bin.” Accordingly, Claims 7 and 8 do now particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Therefore, Claims 7 and 8 are now in a condition for allowance.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1, 6, 9, 10 and 36 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,761,995 to Siebe (hereinafter “Siebe”). The Applicants respectfully disagree with this rejection.

Siebe discloses a device for holding price tags on articles of merchandise. The price tag holder includes a frame adapted to removably support a price card. The price tag holder has a means to hold the frame and the price card on the article of merchandise. Siebe does not disclose a container of any sort; the invention is directed solely to a price tag holder. Further, Siebe does not disclose a label holder that is rotatably attached to a container.

In contrast to the teachings of Siebe, the present invention is directed to a plastic storage bin comprising a container and a label holder. The label holder is configured to rotatably and detachably couple with the container. The label holder preferably comprises a clear rigid plastic designed to hold a 3" x 5" card that describes the contents of the container. Specifically, the preferred label holder is configured to rotatably and detachably couple with a label holder securing means by cooperatively engaging a plurality of protrusions with a plurality of apertures. The storage bin further comprises a lid configured to mate with the container so as to create a

positive seal. As described above, Siebe does not teach a storage bin with any of the features that comprise the present invention. The Siebe invention is solely a price tag holder; a container of any sort is not disclosed. Further, Siebe does not disclose a price tag holder that is rotatably attached to a container.

The independent Claim 1 is directed to a storage bin. The storage bin of Claim 1 comprises a container and a label holder configured to rotatably and detachably couple to the container. As described above, Siebe does not teach a container of any sort. Siebe teaches a price tag holder that can be attached to an article of merchandise. Further, Siebe does not disclose a label holder that is rotatably attached to a container. For at least these reasons, the independent Claim 1 is allowable over the teachings of Siebe.

Claims 6 and 9 are dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Siebe. Accordingly, Claims 6 and 9 are also allowable as being dependent upon an allowable base claim.

The independent Claim 10 is directed to a storage bin. The storage bin of Claim 10 comprises a chamber configured for storing, a rotatably attachable label holder, and a label securing structure configured to detachably couple the attachable label holder to the chamber. [As described above, Siebe does not teach a container of any sort. Siebe teaches a price tag holder that can be attached to an article of merchandise. Further, Siebe does not disclose a rotatably attachable label holder. For at least these reasons, the independent Claim 10 is allowable over the teachings of Siebe.

The independent Claim 36 is directed to a label holder configured to hold and allow insertion and removal of a label. It is specified in Claim 36 that the label holder comprises one or more securing structures configured to mate and rotatably and detachably secure the label holder with a container. As described above, Siebe does not disclose a rotatably attachable label holder. For at least these reasons, the independent Claim 36 is allowable over the teachings of Siebe.

Within the Office Action, Claims 17 and 18 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,908,985 to Hartman (hereinafter “Hartman”). The Applicants respectfully disagree with this rejection.

Hartman discloses a container having an integral card holding structure. The ends of the card to be attached to the container are provided with ears or projections having a shape to generally complement the opening formed in raised surfaces of the container. The card is placed in such a way that it is held firmly against the wall of the container. Hartman does not teach a

label holder capable of being detachably secured to the storage bin. In Hartman, the card is capable of being removed, but the raised surfaces of the container configured to secure the card to the storage bin are not able to be detached from the container.

In contrast to the teachings of Hartman, the present invention is directed to a plastic storage bin comprising a container and a label holder. The label holder is configured to rotatably and detachably couple with the container. The label holder preferably comprises a clear rigid plastic designed to hold a 3" x 5" card that describes the contents of the container. Specifically, the preferred label holder is configured to rotatably and detachably couple with a label holder securing means by cooperatively engaging a plurality of protrusions with a plurality of apertures. The storage bin further comprises a lid configured to mate with the container so as to create a positive seal. As described above, Hartman does not teach a label holder capable of being detachably secured to the storage bin.

The independent Claim 17 is directed to a plastic storage bin. The plastic storage bin of Claim 17 comprises a hollow body and a label holder. The hollow body has a front end and a rear end, and the hollow body further comprises a first securing structure on the front end. The label holder comprises a second securing structure. The first and second securing structures are configured to mate and detachably secure the label holder with the hollow body. As described above, Hartman does not teach a label holder capable of being detachably secured to the storage bin. Hartman teaches a card capable of being removed, but the raised surfaces of the container configured to secure the card to the storage bin are not able to be detached from the container. For at least these reasons, the independent Claim 17 is allowable over the teachings of Hartman.

Claim 18 is dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Hartman. Accordingly, Claim 18 is also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 7, 8, 14-16 and 38-42 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Siebe. The Applicants respectfully disagree with this rejection.

Claims 7 and 8 are dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Siebe. Accordingly, Claims 7 and 8 are all also allowable as being dependent upon an allowable base claim.

Claims 14-16 are dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Siebe. Accordingly, Claims 14-16 are all also allowable as being dependent upon an allowable base claim.

Claims 38-42 are dependent upon the independent Claim 36. As discussed above, the independent Claim 36 is allowable over the teachings of Siebe. Accordingly, Claims 38-42 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 2-5, 11, 13 and 20-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Siebe, in view of U.S. Patent No. 4,373,642 to Wolters et al. (hereinafter “Wolters”). The Applicant respectfully disagrees with this rejection.

As described above, Siebe discloses a device for holding price tags on articles of merchandise. The price tag holder includes a frame adapted to removably support a price card. The price tag holder has a means to hold the frame and the price card on the article of merchandise. Siebe does not disclose a container of any sort; the invention is directed solely to a price tag holder. Further, Siebe does not disclose a label holder that is rotatably attached to a container.

Wolters discloses a material handling tote adapted for multiple storage and handling techniques. The tote includes a bottom, side and end walls, and a substantially continuous multi-purpose flange at the upper edge of the side and end walls. The multi-purpose flange is constructed and arranged to releasably retain a lid, provide for stackability, include carrying grips and facilitate cantilevered hanging and retentive glide storage. Wolters does not disclose a container with rotatably and detachably coupled label holders. Further, Wolters does not disclose a lid comprising a tab to facilitate the removal of the lid. The flange in Wolters cannot be considered a lid comprising a tab to facilitate in the removal of the lid as the flange is coupled to the container, not the lid. Accordingly, neither Siebe, Wolters nor their combination teach a plastic storage container and a label holder configured to rotatably and detachably couple with the container and a lid comprised of a tab to facilitate in the removal of the lid.

In contrast to the teachings of Siebe, Wolters and their combination, the present invention is directed to a plastic storage bin comprising a container and a label holder. The label holder is configured to rotatably and detachably couple with the container. The label holder preferably comprises a clear rigid plastic designed to hold a 3" x 5" card that describes the contents of the container. Specifically, the preferred label holder is configured to rotatably and detachably couple with a label holder securing means by cooperatively engaging a plurality of protrusions with a plurality of apertures. The storage bin further comprises a lid configured to

mate with the container so as to create a positive seal. The lid comprises a tab to facilitate in the removal of the lid. As described above, Siebe does not teach a storage bin with any of the features that comprise the present invention. The Siebe invention is solely a price tag holder; a container of any sort is not disclosed. Further, Siebe does not disclose a price tag holder that is rotatably attached to a container. In addition, Wolters does not teach a lid comprising a tab to facilitate in the removal of the lid. The flange in Wolters is coupled to the container, whereas in the present invention, the tab is coupled to the lid. As described above, neither Siebe, Wolters nor their combination teach a plastic storage container and a label holder configured to rotatably and detachably couple with the container.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Siebe. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

Claims 11 and 13 are all dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Siebe. Accordingly, Claims 11 and 13 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 20 is directed to a labeled storage apparatus. The labeled storage apparatus of Claim 20 comprises a container, one or more label holders rotatably and detachably coupled to the outer walls and configured to hold a label, and a lid configured to detachably couple with the container. The container comprises integrally formed inner walls and outer walls. As described above, neither Siebe, Wolters nor their combination teach a plastic storage container and a label holder configured to rotatably and detachably couple with the container. Siebe does not teach a label holder that can detachably couple to a container, and Wolters does not teach a container with detachably coupled label holder. For at least these reasons, the independent Claim 20 is allowable over the teachings of Siebe, Wolters and their combination.

Claims 21-31 are all dependent upon the independent Claim 20. As discussed above, the independent Claim 20 is allowable over the teachings of Siebe, Wolters and their combination. Accordingly, Claims 21-31 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Siebe in view of Hartman. The Applicants respectfully disagree with this rejection.

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Claim 12 is dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Siebe. Accordingly, Claim 12 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 19 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Siebe. The Applicant respectfully disagrees with this rejection.

Claim 19 is dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Siebe. Accordingly, Claim 19 is also allowable as being dependent upon an allowable base claim

For the reasons given above, Applicant respectfully submits that the Claims 1-43 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: November 15, 2004

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DECLARATION OF MAILING (3.7.0)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 11-15-04

Jonathan O. Owens